

Attachment A

Chart of FTC's Rule 56.1 Statement By Paragraph Number For Which DMC/ITV Defendants Admit, Do Not Controvert, Attempt to Controvert, or Actually Controvert

1.	Facts not controverted thus admitted; legal argument asserted
2.	Admitted; additional information provided
3.	Admitted; additional information provided
4.	Admitted; additional information provided
5.	Admitted; additional information provided
6.	Admitted; additional information provided
7.	Admitted; additional information provided
8.	Admitted; additional information provided
9.	Facts not controverted thus admitted; additional information provided
10.	Admitted; additional information provided
11.	Facts not controverted thus admitted; additional information provided
12.	Admitted; additional information provided
13.	Admitted; additional information provided
14.	Facts not controverted thus admitted; additional information provided
15.	Facts not controverted thus admitted; additional information provided
16.	Facts not controverted thus admitted; additional information provided
17.	Facts not controverted thus admitted
18.	Admitted; additional information provided
19.	Facts not controverted thus admitted; additional information provided
20.	Facts not controverted thus admitted; additional information provided
21.	Admitted; additional information provided
22.	Facts as to DMC and ITV not controverted thus admitted; attempt to controvert as to Direct Fulfillment Inc. only, but evidence inadmissible. <i>See</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 20-21

23.	Facts not controverted thus admitted (utilize same cite as Plaintiff); additional information as to Supreme Greens advertising wrong, <i>see</i> Plaintiff's Facts ¶¶ 190-191 quoting Supreme Greens infomercial referencing "Today's Health".
24.	Facts not controverted thus admitted
25.	Facts not controverted thus admitted
26.	Facts not controverted thus admitted; additional information provided
27.	Facts not controverted thus admitted; additional information provided
28.	Fact re Barrett had final say on all matters involving sales room not controverted thus admitted; controvert whether defendant Barrett reviewed particular scripts but cite his deposition where he states "I can review them anytime I want," S.J. Ex. 7 at 53:10 and did review some, <i>id.</i> at 42:2-6.
29.	Admitted
30.	Facts not controverted thus admitted
31.	Facts not controverted thus admitted
32.	Facts not controverted thus admitted
33.	Facts not controverted thus admitted
34.	Facts not controverted thus admitted
35.	Facts not controverted thus admitted
36.	Facts not controverted thus admitted
37.	Facts not controverted thus admitted
38.	Facts not controverted thus admitted; additional information provided as to defendant Maihos
39.	Facts relate to Stern defendants ¹ ; additional information provided
40.	Facts relate to Stern defendants; additional information provided
41.	Facts relate to Stern defendants; additional information provided
42.	Facts relate to Stern defendants; additional information provided
43.	Facts relate to Stern defendants; additional information provided

¹ For purposes of this chart, the term "Stern defendants" refers to Allen Stern, King Media, Inc., Triad ML Marketing, Inc., and relief Defendants Lisa Stern and Steven Ritchey.

44.	Facts relate to Stern defendants; additional information provided
45.	Facts relate to Stern defendants; additional information provided
46.	Facts relate to Stern defendants; additional information provided
47.	Facts relate to Stern defendants; additional information provided
48.	Facts relate to Stern defendants; additional information provided
49.	Facts relate to Stern defendants; additional information provided
50.	Facts relate to Stern defendants; additional information provided
51.	Facts relate to Stern defendants; additional information provided
52.	Facts relate to Stern defendants; additional information provided
53.	Facts relate to Stern defendants; additional information provided
54.	Facts relate to Stern defendants; additional information provided
55.	Facts relate to Stern defendants; additional information provided
56.	Facts relate to Stern defendants; additional information provided
57.	Facts relate to Stern defendants; additional information provided
58.	Facts relate to Stern defendants; additional information provided
59.	Facts relate to Stern defendants; additional information provided
60.	Facts relate to Stern defendants; additional information provided
61.	Facts not controverted thus admitted; additional information provided
62.	Facts not controverted thus admitted
63.	Facts not controverted thus admitted
64.	Facts not controverted thus admitted
65.	Facts not controverted thus admitted
66.	Facts not controverted thus admitted
67.	Facts not controverted thus admitted
68.	Admitted; additional information provided
69.	Admitted; additional information provided
70.	Facts relate to Stern defendants; additional information provided

71.	Facts relate to Stern defendants; additional information provided
72.	Admitted; additional information provided
73.	Admitted; additional information provided
74.	Admitted; additional information provided
75.	Facts not controverted thus admitted
76.	Facts not controverted thus admitted
77.	Facts not controverted thus admitted; additional information provided
78.	Facts relate to Stern defendants
79.	Facts relate to Stern defendants
80.	Facts relate to Stern defendants
81.	Admitted; additional information provided
82.	Facts not controverted thus admitted; additional information provided
83.	Admitted FSI disseminated; controvert who created the FSI
84.	Admitted; additional information provided
85.	Admitted; additional information provided
86.	Admitted
87.	Facts not controverted thus admitted; additional information provided
88.	Facts not controverted thus admitted
89.	Facts not controverted thus admitted
90.	Facts not controverted thus admitted
91.	Facts not controverted thus admitted
92.	Facts not controverted thus admitted
93.	Facts not controverted thus admitted; additional information provided
94.	Admitted; additional information provided
95.	Facts not controverted thus admitted
96.	Admitted; additional information provided
97.	Admitted; additional information provided

98.	Facts not controverted thus admitted; additional information provided
99.	Admitted
100.	Facts relate to Stern defendants
101.	Facts relate to Stern defendants
102.	Facts relate to Stern defendants
103.	Facts not controverted thus admitted; additional information provided
104.	Admitted; additional information provided
105.	Facts relate to Stern defendants
106.	Facts relate to Stern defendants
107.	Facts not controverted thus admitted; additional information provided
108.	Facts not controverted thus admitted; additional information provided
109.	Facts not controverted thus admitted; additional information provided
110.	Facts not controverted thus admitted; additional information provided
111.	Admitted; additional information provided
112.	Admitted; additional information provided
113.	Admitted
114.	Facts not controverted thus admitted; additional information provided
115.	Facts not controverted thus admitted; additional information provided
116.	Admitted
117.	Facts not controverted thus admitted; additional information provided
118.	Controverted only as to Barrett's control over the airing of any versions, <i>see</i> Barrett's 2/10/06 affidavit at ¶ 9.
119.	Admitted; additional information provided
120.	Admitted
121.	Admitted
122.	Admitted
123.	Admitted; additional information provided
124.	Admitted; additional information provided

125.	Facts not controverted thus admitted; additional information provided
126.	Facts not controverted thus admitted; legal argument asserted
127.	Facts not controverted thus admitted; legal argument asserted
128.	Facts not controverted thus admitted; legal argument asserted
129.	Facts not controverted thus admitted; legal argument asserted
130.	Facts not controverted thus admitted; legal argument asserted
131.	Facts not controverted thus admitted; legal argument asserted
132.	Attempt to controvert; legal argument asserted; inadmissible evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
133.	Facts not controverted thus admitted; legal argument asserted
134.	Facts not controverted thus admitted;
135.	Facts not controverted thus admitted;
136.	Facts not controverted thus admitted;
137.	Facts not controverted thus admitted;
138.	Facts not controverted thus admitted; legal argument asserted
139.	Attempt to controvert; legal argument asserted; inadmissible evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
140.	Facts not controverted thus admitted; legal argument asserted
141.	Controverted; Plaintiff's Fact ¶ 131 erroneously transposed here and assertion withdrawn
142.	Facts not controverted thus admitted; legal argument asserted
143.	Facts not controverted thus admitted; legal argument asserted
144.	Facts not controverted thus admitted; legal argument asserted
145.	Facts not controverted thus admitted; legal argument asserted
146.	Facts not controverted thus admitted; legal argument asserted
147.	Facts not controverted thus admitted; legal argument asserted
148.	Attempt to controvert; legal argument asserted; inadmissible evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
149.	Facts not controverted thus admitted; legal argument asserted

150.	Facts not controverted thus admitted; legal argument asserted
151.	Facts not controverted thus admitted; legal argument asserted
152.	Facts not controverted thus admitted; legal argument asserted
153.	Facts not controverted thus admitted; legal argument asserted
154.	Facts not controverted thus admitted; legal argument asserted
155.	Facts not controverted thus admitted; legal argument asserted
156.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
157.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
158.	Facts not controverted thus admitted
159.	Facts not controverted thus admitted; legal argument asserted
160.	Facts not controverted thus admitted; legal argument asserted
161.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
162.	Facts not controverted thus admitted; additional information provided
163.	Facts not controverted thus admitted
164.	Facts not controverted thus admitted; additional information provided
165.	Facts not controverted thus admitted; additional information provided
166.	Facts not controverted thus admitted
167.	Facts not controverted thus admitted
168.	Facts not controverted thus admitted; additional information provided
169.	Admitted
170.	Attempt to controvert handles all aspects of program but no cite provided and Barrett stated "we handled, I think, every aspect of that program," S.J. Ex 7, 86:18-19; facts re buying media, answering the phones, shipping the product, and customer service not controverted thus admitted
171.	Admitted
172.	Admitted
173.	Facts not controverted thus admitted

174.	Facts not controverted thus admitted
175.	Facts not controverted thus admitted
176.	Facts not controverted thus admitted
177.	Facts not controverted thus admitted; additional information provided
178.	Facts not controverted thus admitted; additional information provided
179.	Controverted because defendant Guerrero reviewed
180.	Facts not controverted thus admitted
181.	Facts not controverted thus admitted; additional information provided
182.	Admitted; additional information provided
183.	Facts not controverted thus admitted
184.	Facts not controverted thus admitted; additional information provided
185.	Facts not controverted thus admitted; additional information provided
186.	Facts not controverted thus admitted; hearsay objection asserted but evidence offered for utterance by deponent not for truth of the matter asserted, <i>see</i> Plaintiff's Response to Defendants' Evidentiary Objections, pp. 38-39; additional information provided
187.	Admitted; additional information provided
188.	Facts not controverted thus admitted; additional information provided
189.	Facts not controverted thus admitted
190.	Facts not controverted thus admitted
191.	Facts not controverted thus admitted
192.	Facts not controverted thus admitted
193.	Facts not controverted thus admitted
194.	Facts not controverted thus admitted; additional information provided
195.	Facts not controverted thus admitted; additional information provided
196.	Admitted
197.	Facts not controverted thus admitted
198.	Facts not controverted thus admitted

199.	Facts not controverted thus admitted
200.	Facts not controverted thus admitted
201.	Facts not controverted thus admitted
202.	Admitted
203.	Controverted because scripts derived from defendant Guerrero's statements; uncontroverted as to J. Maihos statement, <i>see</i> S.J. Ex. 9 at 87:20-87:23.
204.	Facts not controverted thus admitted; legal argument asserted
205.	Facts not controverted thus admitted; legal argument asserted
206.	Facts not controverted thus admitted; additional information provided
207.	Admitted; additional information provided
208.	Admit FTC raised concerns in October 2003; controvert conditions by which FTC would continue to negotiate
209.	Facts not controverted thus admitted
210.	Facts not controverted thus admitted
211.	Facts not controverted thus admitted
212.	Facts not controverted thus admitted
213.	Admitted
214.	Facts not controverted thus admitted
215.	Facts not controverted thus admitted
216.	Facts not controverted thus admitted
217.	Facts not controverted thus admitted
218.	Facts not controverted thus admitted
219.	Facts not controverted thus admitted
220.	Facts not controverted thus admitted
221.	Facts not controverted thus admitted
222.	Admitted; additional information provided
223.	Facts not controverted thus admitted
224.	Facts not controverted thus admitted

225.	Facts not controverted thus admitted; additional information provided
226.	Admitted; additional information provided
227.	Facts not controverted thus admitted; additional information provided
228.	Admitted; additional information provided is hearsay, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 12, 17-18
229.	Facts not controverted thus admitted; additional information provided
230.	Admitted; additional information provided
231.	Facts not controverted thus admitted
232.	Admitted; additional information provided
233.	Admitted; additional information provided
234.	Facts not controverted thus admitted
235.	Facts not controverted thus admitted; legal argument asserted
236.	Facts not controverted thus admitted; legal argument asserted
237.	Facts not controverted thus admitted; legal argument asserted
238.	Facts not controverted thus admitted; legal argument asserted
239.	Facts not controverted thus admitted; legal argument asserted
240.	Facts not controverted thus admitted; legal argument asserted
241.	Facts not controverted thus admitted; legal argument asserted
242.	Facts not controverted thus admitted; legal argument asserted
243.	Attempt to controvert; legal argument asserted; inadmissible evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
244.	Attempt to controvert; legal argument asserted; inadmissible evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
245.	Attempt to controvert; legal argument asserted; inadmissible evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
246.	Attempt to controvert; legal argument asserted; inadmissible evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
247.	Attempt to controvert; legal argument asserted; inadmissible evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7

248.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
249.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
250.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
251.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
252.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
253.	Facts not controverted thus admitted
254.	Facts not controverted thus admitted
255.	Facts not controverted thus admitted
256.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
257.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
258.	Facts not controverted thus admitted
259.	Facts not controverted thus admitted
260.	Facts not controverted thus admitted
261.	Facts not controverted thus admitted
262.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
263.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
264.	Attempt to controvert; legal argument asserted; inadmissable evidence, <i>see</i> Plaintiff's Motion to Strike Defendants' Evidence, pp. 3-7
265.	Facts not controverted thus admitted; additional information provided
266.	Facts not controverted thus admitted
267.	Facts not controverted thus admitted
268.	Facts not controverted thus admitted; additional information provided

269.	Facts not controverted thus admitted
270.	Facts not controverted thus admitted
271.	Admitted
272.	Admitted; additional information provided
273.	Facts not controverted thus admitted; additional information provided
274.	Admitted
275.	Facts not controverted thus admitted
276.	Facts not controverted thus admitted
277.	Facts not controverted thus admitted
278.	Admitted
279.	Facts not controverted thus admitted
280.	Facts not controverted thus admitted
281.	Admitted; additional information provided
282.	Admitted; additional information provided
283.	Facts not controverted thus admitted; additional information provided
284.	Admitted; legal argument asserted
285.	Admitted; additional information provided
286.	Facts not controverted thus admitted; additional information provided
287.	Admitted; additional information provided
288.	Admitted; additional information provided
289.	Admitted
290.	Facts not controverted thus admitted
291.	Facts not controverted thus admitted
292.	Facts not controverted thus admitted
293.	Admitted; additional information provided
294.	Admitted
295.	Admitted

296.	Facts not controverted thus admitted
297.	Admitted; additional information provided
298.	Admitted
299.	Facts not controverted thus admitted; additional information provided
300.	Admitted
301.	Admitted; additional information provided
302.	Facts not controverted thus admitted; additional information provided
303.	Facts not controverted thus admitted
304.	Admitted
305.	Facts not controverted thus admitted; additional information provided
306.	Facts not controverted thus admitted; additional information provided
307.	Facts not controverted thus admitted; additional information provided
308.	Facts not controverted thus admitted; additional information provided
309.	Admitted; additional information provided with no record evidence; pure speculation
310.	Facts not controverted thus admitted; additional information provided
311.	Facts not controverted thus admitted; additional information provided
312.	Admitted; additional information provided
313.	Admitted
314.	Admitted
315.	Admitted
316.	Admitted; additional information provided
317.	Admitted
318.	Admitted
319.	Facts not controverted thus admitted
320.	Facts not controverted thus admitted; Evidentiary objections based on erroneous claim that witness not properly identified, <i>see</i> Plaintiff's Response to Defendant's Evidentiary Objections, pp. 39-40

321.	Facts not controverted thus admitted; legal argument asserted
322.	Facts not controverted thus admitted; legal argument asserted
323.	Admitted; additional information provided
324.	Facts not controverted thus admitted; legal argument asserted
325.	Facts not controverted thus admitted; legal argument asserted
326.	Facts not controverted thus admitted; legal argument asserted
327.	Facts not controverted thus admitted; legal argument asserted
328.	Facts not controverted thus admitted; legal argument asserted
329.	Admitted; additional information provided
330.	Facts not controverted thus admitted; legal argument asserted
331.	Facts not controverted thus admitted; legal argument asserted
332.	Facts not controverted thus admitted; legal argument asserted
333.	Facts not controverted thus admitted; legal argument asserted
334.	Facts not controverted thus admitted; legal argument asserted
335.	Facts not controverted thus admitted; legal argument asserted
336.	Facts not controverted thus admitted
337.	Facts not controverted thus admitted
338.	Facts not controverted thus admitted
339.	Facts not controverted thus admitted; additional information provided
340.	Facts not controverted thus admitted
341.	Facts not controverted thus admitted
342.	Facts not controverted thus admitted; additional information provided
343.	Facts not controverted thus admitted; additional information provided
344.	Facts not controverted thus admitted
345.	Admitted; additional explanation of Barrett's understanding of competent science is NOT in his affidavit, erroneous cite; additional information provided
346.	Facts not controverted thus admitted
347.	Facts not controverted thus admitted

348.	Facts not controverted thus admitted; legal argument asserted
349.	Facts not controverted thus admitted
350.	Facts not controverted thus admitted
351.	Facts not controverted thus admitted
352.	Facts not controverted thus admitted
353.	Controverted; legal argument asserted
354.	Controverted; legal argument asserted
355.	Facts not controverted thus admitted; legal argument asserted
356.	Facts not controverted thus admitted
357.	Facts not controverted thus admitted
358.	Facts not controverted thus admitted
359.	Facts not controverted thus admitted
360.	Controverted; legal argument asserted
361.	Facts not controverted thus admitted
362.	Facts not controverted thus admitted; additional information provided; legal arguments asserted
363.	Facts not controverted thus admitted
364.	Admitted; legal argument asserted
365.	Admitted; legal argument asserted
366.	Admitted; additional information provided
367.	Facts not controverted thus admitted; additional information provided
368.	Facts not controverted thus admitted
369.	Facts not controverted thus admitted
370.	Facts not controverted thus admitted
371.	Facts not controverted thus admitted
372.	Admitted
373.	Facts not controverted thus admitted
374.	Admitted; additional information provided

375.	Facts relate to Stern defendants
376.	Facts relate to Stern defendants
377.	Facts relate to Stern defendants
378.	Facts relate to Stern defendants
379.	Facts not controverted thus admitted
380.	Facts not controverted thus admitted
381.	Facts not controverted thus admitted
382.	Facts not controverted thus admitted
383.	Facts not controverted thus admitted; additional information provided